

### **REMARKS**

A request for continued examination ("RCE") is provided herewith along with the fee for the RCE. A request for a two month extension of time and the fee for this extension of time is also provided herewith.

As may be appreciated from the above listing of claims, the claims have also been amended by canceling the previously presented claims and adding new claims. The Examiner should be aware that the new claims broaden the scope of the claims amended in the previously entered amendment. Therefore, the Examiner should be aware that she may need to reconsider previously considered prior art. Authorization is provided herewith to pay any underpayment of fees or credit any overpayment of fees to Deposit Account No. 02-4800.

#### **I. THE CURRENTLY PENDING CLAIMS ARE DEFINITE**

The Examiner rejected claims presented in the amendment dated March 2, 2009 as being indefinite under 35 U.S.C. § 112 in the Office Action dated May 28, 2009 (hereafter "the Office Action"). Applicant has amended the claims herein. The amended claims are sufficiently clear, as required by § 112. For instance, the currently pending claims do not recite "real world information," which was objected to by the Examiner in the Office Action.

#### **II. THE CURRENTLY PENDING CLAIMS ARE ALLOWABLE OVER THE CITED ART**

The Examiner previously rejected claims presented during prosecution of this patent application under 35 U.S.C. § 103 in view of the combination of "A Review of Current Routing Protocols for Ad Hoc Mobile Wireless Networks," IEEE, April 1999, by Elizabeth et al. (hereafter "Elizabeth et al.") and Applicant's Admission of Prior Art (hereafter "AAPA).

**A. Burden Of Proving Obviousness Under 35 U.S.C. § 103**

"All words in a claim must be considered in judging the patentability of that claim against the prior art." MPEP § 2143.03 (emphasis added). "When evaluating claims for obviousness under 35 U.S.C. 103, **all the limitations of the claims must be considered and given weight.**" MPEP § 2143.03. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." *Id.* "A 35 U.S.C. 103 rejection is based on 35 U.S.C. 102(a), 102(b), 102(e), etc. depending on the type of prior art reference used and its publication or issue date." MPEP § 2141.01.

To establish a *prima facie* case of obviousness, an Examiner must show that an invention would have been obvious to a person of ordinary skill in the art at the time of the invention. MPEP § 2141. "Obviousness is a question of law based on underlying factual inquiries." *Id.* The factual inquiries enunciated by the Court include "ascertaining the differences between the claimed invention and the prior art" and "resolving the level of ordinary skill in the pertinent art." MPEP § 2141.

"A statement that modifications of the prior art to meet the claimed invention would have been 'well within the ordinary skill of the art' at the time the claimed invention was made' because the references relied upon teach that all aspects of the claimed invention were individually known in the art is not sufficient to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references." MPEP § 2143.01. "[R]ejections on obviousness cannot be sustained by mere conclusory statements; instead, **there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.**" MPEP § 2143.01 (citing *KSR*, 82 U.S.P.Q.2d at 1396) (emphasis added).

For instance, an invention that permits the omission of necessary features and a retention of their function is an indicia of nonobviousness. *In re Edge*, 359 F.2d 896, 149 U.S.P.Q. 556 (CCPA 1966); MPEP 2144.04. A conclusory statement to the contrary is insufficient to rebut such an indicia of nonobviousness. *See* MPEP § 2143.01.

Moreover, "[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious." MPEP § 2143.01. Also, "the proposed modification cannot render the prior art unsatisfactory for its intended purpose." MPEP § 2143.01.

**B. The Pending Claims Are Allowable**

The pending claims all require a system or method to include routers that have a routing table. The routing tables of the routers that receive a service discovery request message are updated with routing information pertaining to the received service discovery request message. At least a portion of the routers is also configured to update their routing tables with routing information of a service discovery reply message transmitted from a service provider responding to the service discovery request message of the service requester.

The cited combination of art by the Examiner, which includes both AAPA and Elizabeth et al., cannot render the pending claims obvious. In fact, Elizabeth et al. specifically teach away from the pending claims.

**1. Elizabeth et al. Teach Away From The Claims**

The Examiner has cited page 48 of Elizabeth et al. as suggesting the routers, service provider and service requester of the pending claims. To the contrary, Elizabeth et al. explicitly teach that the routers of the system disclosed on page 48 **"that are not on a selected path do not maintain routing information or participate in routing table exchanges."** (emphasis added). Contrary to the explicit teaching of Elizabeth et al., the method and system of the pending claims require all the routers to update routing tables. All routers that receive a service discovery request message in the pending claims update their routing tables in response to receipt of the message. Contrary to the teaching of Elizabeth et al., the routers of a selected path are not the only routers involved in maintaining routing information in the system and method of the pending claims.

**2. The Cited Art Do Not Teach Routers That Update Routing Tables After Receiving A Service Discovery Request Message**

The cited art also fails to teach or suggest any router that updates a routing table with routing information pertaining to a received service discovery request. Indeed, there is no teaching or suggestion of such a requirement in Elizabeth et al. or the AAPA.

The cited art teaches that routing tables are only updated in view of "full dump" or "incremental packets" relayed between routers (page 47 of Elizabeth et al.) or via hello messages (page 48 of Elizabeth et al.). The systems disclosed in the cited prior art only teach or suggest the forwarding of service discovery request messages to other routers until a service provider receives the message. There is no teaching or suggestion of any router being configured to update its routing table in response to the receipt of a service discovery request message. Indeed,

Elizabeth et al. teach that the routers **should not maintain routing information**. (Elizabeth et al. at 48).

The cited prior art does not teach or suggest all the limitations of the pending claims. In fact, the cited prior art teaches away from the pending claims. For at least the above reasons, the pending claims are allowable over the cited art.

### III. CONCLUSION

For at least the above reasons, reconsideration and allowance of all pending claims is respectfully requested.

Respectfully submitted,

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